

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

To:

SUN PHARMACEUTICAL INDUSTRIES
LIMITED,
SHRIVASTAVA Ratnesh
Acme Plaza
Andheri East, Andheri Kurla Road,
400059 Mumbai
India

Date of mailing (day/month/year) 10 February 2004 (10.02.2004)

Applicant's or agent's file reference

MTX 102

IMPORTANT NOTIFICATION

International application No.

PCT/ IN 2003/000294

International filing date (day/month/year)

2 September 2003 (02.09.2003)

Applicant

SUN PHARMACEUTICAL INDUSTRIES LIMITED

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statements under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where?

Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

2. ☐ The applicant is hereby notified that no international search will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) initial fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the text of both the protest decision thereon to the designated Offices
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminder:**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 30 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide* Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AT

Austrian Patent Office
Dresdner Straße 87
A-1200 Vienna/Austria
FAX No. +43 / 1 / 53424-200

Authorized officer

Wolf

Telephone No. +43 / 1 / 53424 - 450

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MTX_102	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IN 03/00294	International filing date (day/month/year) 2 September 2003 (02.09.2003)	(Earliest) Priority Date (day/month/year) 2 September 2002 (02.09.2002)
Applicant SUN PHARMACEUTICAL INDUSTRIES LIMITED		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.: 1

- ☒ as suggested by the applicant. ☐ None of the figures.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IN 03/00294-0

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 19-22 resp. 25,26
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
Characterization of pharmaceutical dosage forms by their components is insufficient; thus claims 19-22 resp. the dependent claims 25 and 26 were not considered in establishing the search report
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/03/00294-0

CLASSIFICATION OF SUBJECT MATTER

IPC⁷: A61K 31/421, 9/14, 45/06

According to International Patent Classification (IPC) or to both national classification and IPC

R FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC⁷: A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

WPI, EPODOC, PAJ

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4036957 A (ALPHIN et al.) 19 July 1977 (19.07.77) <i>the whole document.</i>	1-7,15- 18,23,24
X	WO 02/45693 A1 (BYK GULDEN LOMBERG CHEMISCHE FABRIK GMBH) 13 June 2002 (13.06.02) <i>page 2, last paragraph - page 3, first paragraph; page 30, line 24; page 43, line 29 - page 44, line 20; page 46, last paragraph - page 47, lines 8; claims 1-5,8-10.</i>	1-18
P,X	DE 10153078 A1 (DEGUSSA AG) 22 May 2003 (22.05.03) <i>the whole document.</i>	1-18

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

„A“ document defining the general state of the art which is not
considered to be of particular relevance„P“ earlier application or patent but published on or after the international
filing date„I“ document which may throw doubts on priority claim(s) or which is
cited to establish the publication date of another citation or other
special reason (as specified)„O“ document referring to an oral disclosure, use, exhibition or other
means„P“ document published prior to the international filing date but later than
the priority date claimed„T“ later document published after the international filing date or priority
date and not in conflict with the application but cited to understand
the principle or theory underlying the invention„X“ document of particular relevance; the claimed invention cannot be
considered novel or cannot be considered to involve an inventive step
when the document is taken alone„Y“ document of particular relevance; the claimed invention cannot be
considered to involve an inventive step when the document is
combined with one or more other such documents, such combination
being obvious to a person skilled in the art

„&“ document member of the same patent family

Date of the actual completion of the international search

26 January 2004 (26.01.2004)

Date of mailing of the international search report

10 February 2004 (10.02.2004)

Name and mailing address of the ISA/AT

Austrian Patent Office

Dresdner Straße 87, A-1200 Vienna

Facsimile No. 1/53424/535

Authorized officer

KRENN M.

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

P/IN 03/00294-0

Patent document cited in search report			Publication date	Patent family member(s)	Publication date
DE	A	10153078		none	
US	A	4036957		none	
WO	A	245693		none	